IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	IITED S	STATES OF	AMERICA) > 0.05CB350		
		F	Plaintiff,) 8:05CR259)		
VS.) DETENTION ORDER		
RC	BERT	L. PRIME,	III,))		
		Defe	ndant.)		
A.	Order For Detention After waiving a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on June 28, 2005, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).					
B.		will reasonably assure the appearance of the defendant as required.				
C.	The C Service X	ces Report, a (1) Nature X (a) (b) (c) (d)	and includes the following: and circumstances of the The crime: a conspiracy distribute in excess of 500 violation of 21 U.S.C. § 840 imprisonment and a maximal The offense is a crime of the offense involves a large eight of the evidence again	to distribute and possess with intent to grams of methamphetamine (Count I) in a carries a minimum sentence of ten years num of life imprisonment. Toolence, cotic drug. The ge amount of controlled substances, to wit:		
	X	(3) The hi	story and characteristics of General Factors: The defendant appe affect whether the de The defendant has not The defendant has not The defendant is not The defendant does Past conduct of the defendant has a The	the defendant including: ars to have a mental condition which may fendant will appear. o family ties in the area. o steady employment. o substantial financial resources. a long time resident of the community. not have any significant community ties.		

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			Probation
			X Parole - State of California
			Release pending trial, sentence, appeal or completion of
			sentence.
		(c)	Other Factors:
		(-)	The defendant is an illegal alien and is subject to deportation.
			The defendant is a legal alien and will be subject to deportation
			if convicted.
			The Bureau of Immigration and Custom Enforcement (BICE) has
			placed a detainer with the U.S. Marshal.
			Other:
X	(4)		ature and seriousness of the danger posed by the defendant's release
			s follows: The nature of the charges in the Indictment, the defendant's
		prior c	criminal history, and the defendant's substance abuse history.
X	(5)		<u>ttable Presumptions</u>
			ermining that the defendant should be detained, the Court also relied on
		the fo	llowing rebuttable presumption(s) contained in 18 U.S.C. § 3142(e)
			the Court finds the defendant has not rebutted:
	X	_ (a)	That no condition or combination of conditions will reasonably assure
			the appearance of the defendant as required and the safety of any
			other person and the community because the Court finds that the crime
			involves:
			(1) A crime of violence; or
			X (2) An offense for which the maximum penalty is life
			imprisonment or death; or
			X (3) A controlled substance violation which has a maximum
			penalty of 10 years or more; or
			(4) A felony after the defendant had been convicted of two or
			more prior offenses described in (1) through (3) above, and
			the defendant has a prior conviction for one of the crimes
			mentioned in (1) through (3) above which is less than five
			years old and which was committed while the defendant was
			on pretrial release.
	X	(b)	That no condition or combination of conditions will reasonably assure
		_ (~)	the appearance of the defendant as required and the safety of the
			community because the Court finds that there is probable cause to
			believe:
			X (1) That the defendant has committed a controlled substance
			violation which has a maximum penalty of 10 years or more.
			(2) That the defendant has committed an offense under 18
			U.S.C. § 924(c) (uses or carries a firearm during and in
			relation to any crime of violence, including a crime of
			violence, which provides for an enhanced punishment if
			committed by the use of a deadly or dangerous weapon or
			device).
			aoviooj.

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and

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- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: June 29, 2005. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge